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I hereby certify that this correspondence is being filed electronically with the United States Patent and Trademark Office on:

5/19/08  
Date of Deposit  
Gustavo Siller, Jr., Registration No. 32,305  
Name of applicant, assignee or  
Registered Representative  
Signature  
5/19/08  
Date of Signature

Our Case No. 9281-4635  
Client's Reference No. JUS02047

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Naoyuki Hatano	)	
Serial No. 10/662,560	)	
Filing Date: September 15, 2003	)	Examiner: Alan S. Chen
For: Data Communication Control Device	)	Group Art Unit No. 2182
With Peripheral Device	)	Confirmation No. 9744
	)	

**REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Patent Application Information Retrieval (PAIR) system indicates a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 421 days. A copy of the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 642 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice of allowance that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

**Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after the date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 457 days (14 months after the filing of the application on September 15, 2003 to the mailing of the first Office Action on February 15, 2006).

**Period of adjustment pursuant to 37 C.F.R. § 1.703(b)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on September 15, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is September 15, 2006. A Request for Continued Examination (RCE) was filed on April 24, 2007. The difference between the 3 year date and the date of the RCE is 221 days.

**Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704(b)**

Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the 3 month date) that is three months after the date of mailing or transmission of an Office communication notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed.

The PTO calculation of the period of reduction of adjustment pursuant to 37 C.F.R. § 1.704, as shown by the PAIR PTA adjustment history, is 36 days.

**Total Patent Term Adjustment**

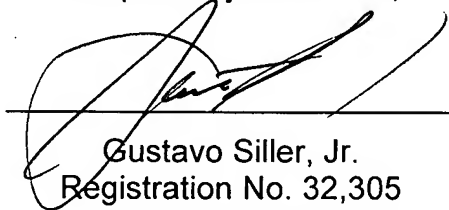
For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we

believe that the patent term adjustment should be at least 457 days + 221 days – 36 days = 642 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks.

Applicant respectfully requests that the patent term adjustment be recalculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gustavo Siller, Jr.', is written over a horizontal line.

Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

# **EXHIBIT**

## **A**

ISSUE NOT.

10/662,560 DATA COMMUNICATION CONTROL DEVICE WITH PERIPHERAL DEVICE 04-08-2008::17:20:28

### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/662,560

Filing or 371(c) Date:	09-15-2003	USPTO Delay (PTO) Delay (days):	457
Issue Date of Patent:	03-18-2008	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	36
Post-Issue Petitions (days):	+0	Total PTA (days):	421
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
02-27-2008	PTA 36 Months		
03-18-2008	Patent Issue Date Used in PTA Calculation		
02-08-2008	Dispatch to FDC		
02-08-2008	Application Is Considered Ready for Issue		
01-18-2008	Issue Fee Payment Verified		
01-18-2008	Issue Fee Payment Received		
10-30-2007	Mail Notice of Allowance		
10-29-2007	Notice of Allowance Data Verification Completed		
10-29-2007	Case Docketed to Examiner in GAU		
10-15-2007	Document Verification		
09-13-2007	Date Forwarded to Examiner		
08-29-2007	Response after Non-Final Action		
06-06-2007	Mail Non-Final Rejection		
06-05-2007	Non-Final Rejection		
04-26-2007	Date Forwarded to Examiner		
04-26-2007	Date Forwarded to Examiner		
04-24-2007	Request for Continued Examination (RCE)		19
04-26-2007	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		↑
04-24-2007	Request for Extension of Time - Granted		↑
04-24-2007	Workflow - Request for RCE - Begin		↑
03-22-2007	Mail Advisory Action (PTOL - 303)		↑
03-19-2007	Advisory Action (PTOL-303)		↑
03-10-2007	Date Forwarded to Examiner		↑
03-05-2007	Amendment after Final Rejection		↑
01-05-2007	Mail Final Rejection (PTOL - 326)		↑
01-04-2007	Final Rejection		
11-15-2006	Date Forwarded to Examiner		
11-07-2006	Response after Non-Final Action		
08-07-2006	Mail Non-Final Rejection		
08-03-2006	Non-Final Rejection		

06-01-2006	New or Additional Drawing Filed	
06-06-2006	Date Forwarded to Examiner	
06-01-2006	Response after Non-Final Action	17
03-01-2006	Miscellaneous Incoming Letter	↑
03-01-2006	Mail Notice of Restarted Response Period	↑
02-28-2006	Letter Restarting Period for Response (i.e. Letter re: References)	↑
02-28-2006	Examiner Interview Summary Record (PTOL - 413)	↑
02-15-2006	Mail Non-Final Rejection	457
02-09-2006	Non-Final Rejection	↑
09-15-2003	Information Disclosure Statement considered	↑
04-28-2005	Case Docketed to Examiner in GAU	↑
07-14-2004	Correspondence Address Change	↑
07-14-2004	IFW TSS Processing by Tech Center Complete	↑
09-15-2003	Reference capture on IDS	↑
09-15-2003	Information Disclosure Statement (IDS) Filed	↑
09-15-2003	Information Disclosure Statement (IDS) Filed	↑
09-15-2003	Request for Foreign Priority (Priority Papers May Be Included)	↑
09-15-2003	Preliminary Amendment	↑
07-14-2004	Case Docketed to Examiner in GAU	↑
05-03-2004	Correspondence Address Change	↑
05-04-2004	Change in Power of Attorney (May Include Associate POA)	↑
12-20-2003	Application Return from OIPE	↑
12-20-2003	Application Return TO OIPE	↑
12-20-2003	Application Dispatched from OIPE	↑
12-22-2003	Application Is Now Complete	↑
11-26-2003	Cleared by OIPE CSR	↑
10-29-2003	IFW Scan & PACR Auto Security Review	↑
09-15-2003	Initial Exam Team nn	↑

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[Close Window](#)

**CERTIFICATE OF MAILING UNDER 37 CFR §1.8**

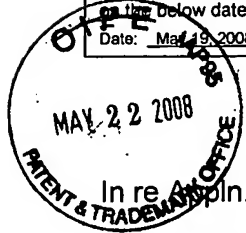
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: May 19, 2008

Name: Gustavo Siller, Jr.

Signature: \_\_\_\_\_

**BRINKS  
HOFFER  
GILSON  
& LIONE**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: **Naoyuki Hatano**

Appln. No.: **10/662,560**

Filed: **September 15, 2003**

For: **Data Communication Control Device with Peripheral Device**

Docket No: **9281-4635**

Examiner: **Alan S. Chen**

Art Unit: **2182**

Conf. No.: **9744**

**TRANSMITTAL**

Mail Stop Patent Ext.  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Attached is/are:**

- ☒ Transmittal (in duplicate); Request for Reconsideration of Patent Term Adjustment; Exhibit A; and
- ☒ Return Receipt Postcard.

**Fee Calculation:**

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 105=			x \$210=	
First Presentation of Multiple Dep. Claim					+ \$185=			+ \$370=	
					Total	\$		Total	\$

**Fee Payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_ for \_\_\_\_\_.  
A copy of this Transmittal is enclosed for this purpose.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

\_\_\_\_\_  
Gustavo Siller, Jr. (Reg. No. 32,305)

May 19, 2008  
Date

**BRINKS  
HOFFER  
GILSON  
& LIONE**



**CERTIFICATE OF MAILING UNDER 37 CFR §1.8**

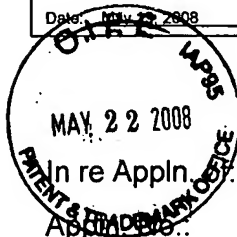
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: May 22, 2008

Name: Gustavo Siller, Jr.

Signature: 

**BRINKS  
HOFFER  
GILSON  
& LIONE**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appl. No. Naoyuki Hatano

App. No. 10/662,560

Filed: September 15, 2003

For: Data Communication Control Device with Peripheral Device

Docket No: 9281-4635

Examiner: Alan S. Chen

Art Unit: 2182

Conf. No.: 9744

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P. O. Box 1450  
Alexandria, VA 22313-1450

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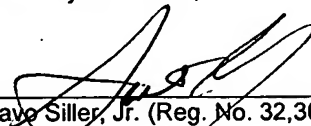
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- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 105=			x \$210=	
First Presentation of Multiple Dep. Claim					+ \$185=			+ \$370=	
					Total	\$		Total	\$

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Respectfully submitted,

  
Gustavo Siller, Jr. (Reg. No. 32,305)

May 19, 2008

Date

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